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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,843	01/24/2001	Yoshinori Matsui	2001-0071A	3354

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EXAMINER

SINGH, RACHNA

ART UNIT PAPER NUMBER

2176

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/767,843	MATSUI, YOSHINORI	
	Examiner	Art Unit	
	Rachna Singh	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/24/06 has been entered.

2. Claims 16-29 are pending. Claims 16, 21, 26, 28, and 29 are independent claims. Claims 16, 21, 26, 28, and 29 have been amended.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2176

4. Claims 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batson et al., US 6,098,126, 8/1/00 (filed on 10/27/98) in view of Keaveny et al., US 6,065,087, 05/16/00 (filed 05/21/98).

In reference to claims 16 and 28-29, Batson discloses a method and apparatus for synchronization of data retrieval and presentation for motion pictures. See column 1, lines 19-39. Batson discloses the following:

-An apparatus comprising storage media, storage device, and a scheduling unit. The multimedia data (video, audio, or text) can be remotely stored on a storage device that is accessed via a network. The scheduling unit comprises a retrieval unit for retrieving multimedia data from the storage device at or before a specified play time. See columns 2 and 3, lines 1-19. Compare to ***“a first reception unit for receiving location information indicating the locations of the data sources having the respective media data on the network, first time information indicating the playback start times of the respective media data, and second time information for requesting the respective media data from the corresponding data source”***.

-A scheduling unit for retrieving multimedia data from the storage device at or before the specified play time. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6. Compare to ***“a time setting unit. . .a data request unit. . .a second reception unit for receiving the media data supplied from the data source according to the request from the data request unit”***.

Batson does not teach the use of a second transmission protocol for receiving second control information; however, Keaveny teaches transporting data using multiple protocols. See abstract. Keaveny teaches connecting a first communication medium, supporting a first transmission protocol that provides transmission of data transfer commands and data with a second communication medium supporting a second transmission protocol that provides transmission of input/output commands and data. It would have been obvious to a person of ordinary skill in the art at the time of the invention to retrieve second control information using a second transmission protocol in the system of Batson because it helps speed up the time in which data can be accessed and transmitted between memory and peripheral devices. See column 1, lines 18-29 of Keaveny. Further, Keaveny suggests that it was desirable to minimize the limitations in the amount of data that can be accessed as well as increase the rate at which data can be transferred. Keaveny further discusses the need to provide a sufficiently efficient flow of data to better realize increased connectivity, data accessibility and data transfer rate. See columns 1, lines 18-46 and column 2, lines 6-20.

In reference to claim 17, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified play time. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6. Batson further teaches that the system takes into account the latency and performance of the data source when scheduling the data retrieval. See column 7, lines 27-42.

In reference to claim 18, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified playtime. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6.

In reference to claim 19, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified play time. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6. Batson further teaches that the system takes into account the latency and performance of the data source when scheduling the data retrieval. See column 7, lines 27-42. A scheduling unit for retrieving multimedia data from the storage device is set before the specified play time. The scheduling unit takes into account any expected delays and latency before setting the data retrieval time. See columns 6-8.

In reference to claim 20, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified playtime. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6.

Claims 21-25 are rejected under the same rationale used in claims 16-20 respectively above.

Claims 26-27 are rejected under the same rationale used in claims 16-17 respectively above.

Response to Arguments

Applicant's arguments and amendments filed 05/24/06 have been considered. In view of Applicant's amendment to the independent claims, a new reference, **Keaveny et al.**, US 6,065,087 has been applied. A

Applicant's amendment introduced new limitations reciting a feature, ***"receiving second control data transmitted by using a protocol other than transmission protocol for the first control data,"***. Batson does not teach the use of a second transmission protocol; however, Keaveny teaches transporting data using multiple protocols. See abstract. Keaveny teaches connecting a first communication medium, supporting a first transmission protocol that provides transmission of data transfer commands and data with a second communication medium supporting a second transmission protocol that provides transmission of input/output commands and data. It would have been obvious to a person of ordinary skill in the art at the time of the invention to retrieve second control information using a second transmission protocol in the system of Batson because it helps speed up the time in which data can be accessed and transmitted between memory and peripheral devices. See column 1, lines 18-29 of Keaveny. Further, Keaveny suggests that it was desirable to minimize the limitations in the amount of data that can be accessed as well as increase the rate at which data can be transferred. Keaveny further discusses the need to provide a sufficiently efficient flow

of data to better realize increased connectivity, data accessibility and data transfer rate.

See columns 1, lines 18-46 and column 2, lines 6-20.

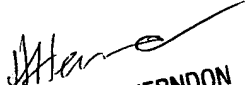
In view of the comments above, the rejection is maintained.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS
06/07/06


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